

Iran's Response to the EU: Confused but Sporadically Hopeful

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ISIS recently obtained a copy of Iran's response to the EU package; this is the document that Ali Larijani, Iran's senior nuclear negotiator, delivered on August 22 in Tehran to diplomatic representatives of Britain, France, Germany, Russia, China and the United States. Over the weekend, the Associate Press reported that Larijani floated the possibility that Iran would suspend voluntarily its enrichment activities for "one or two months." ISIS is making this document public in light of Larijani's announcement and this week's meeting of the IAEA Board of Governors at which Iran's nuclear program is under discussion.

Note: The document obtained by ISIS bears a watermark on every page, apparently placed there by Iranian translators, which states "do not douplicate" (sic). Because legibility was poor, even without the watermark, ISIS has reproduced the document, taking care to be as close as possible to the original.

The 20 plus page response to the EU's June 6 package bears all the scars of drafting by committee or a contentious interagency clearance process—it is repetitive, rambling, and lacking a coherent argument. Wading through the document, replete with references to Iran's desire for "mutual respect and understanding," a few signposts appear that recall the core issues around which this dispute centers. The good news: Iran appears willing to adhere voluntarily to the Additional Protocol, provided that the UN Security Council sets aside the nuclear issue, and Iran is at least open to negotiating the status of its enrichment program. Buried on top of these important openings, however, are at least a few non-starters, most important that the IAEA effectively close the book on Iran's nuclear activities if it is unable to find evidence of a nuclear weapons program. This reflects a fundamentally flawed understanding of the IAEA's role in the safeguards process.

THE RESPONSE

The document itself is organized roughly around eleven points, and is prefaced by a single-page introduction that includes the assertion that Iran is committed to resolving disputes through "constructive engagement," that no government can "assume rights to herself" that are denied others, and that the Islamic Republic opposes the "production, stockpiling, development and proliferation" of nuclear weapons. The balance of the document is divided into various sections and subsections, which generally lack substantive or topic-specific headings (e.g. Section 1 is "The Engagement Approach," Section 2 headed "Considering the Fact That," Section 5 reads, "The Package has considered two main processes to resolve the nuclear issue.")

Some of the confusion appears to stem from awkwardness in the translation (which is clearly the work of more than one person, as there are varying styles of abbreviation, numbering and word choice). Setting aside these difficulties makes possible a few observations.

The Glass is Half Full – Maybe some suspension and the Additional Protocol

Iran appears willing to adhere to the Additional Protocol and at least discuss suspension of uranium enrichment, provided certain conditions are met.

Reference to the issue of suspending uranium enrichment is generally oblique—it is mentioned specifically only twice. On page eleven, the document states, “The remaining issue is suspension of Iran’s dossier in the Security Council during the negotiation period by the other party, and **suspension of enrichment activities** by Iran through negotiations. I.R. Iran **essentially agrees with consideration of some principles and conditions for further assurances of productive negotiations and considers that as a correct step.**” What looks at first glance to be an important step, however, is undermined by a series of qualifying statements that are highly critical of the UN Security Council’s actions on Iran and demand that it end consideration of the matter.

Mention of the Additional Protocol first appears on page 14, in the course of a discussion of the merits of transparency. In relevant part, it states that “Iran would facilitate the necessary working conditions for IAEA’s inspections for clarification of the ambiguities, would provide the utmost cooperation for expedition of its work, and if deemed necessary, would consider voluntary steps towards implementation of the Additional Protocol, given the provision of the legal conditions.” The conditions appear to consist of establishing a new framework for cooperation with the IAEA and “suspension of discussion” of Iran’s nuclear program by the IAEA governing board until a “final report” is presented by the IAEA’s Director General.

The Glass is Half Empty: But these two possible bright spots in Iran’s response are dimmed considerably by near-impenetrable conditions and caveats. As others have reported, the response includes multiple statements that amount to Iran’s rejection of the UN Security Council Resolution requiring Iran to suspend its enrichment activities.

Although Iran does not appear to reject categorically negotiations about halting its enrichment program, the document holds out few prospects that it would agree to do so over the long-term. The introduction proudly heralds its hard-fought achievements across the fuel cycle and the need to develop indigenous nuclear capabilities for its planned civil nuclear power program. Iran’s primary concession here is to restate its long-standing offer to open its nuclear programs to investment, operation, development, and production by other countries.

Throughout the paper, Iran reiterates that its nuclear program has been only peaceful in nature and that European and U.S. denials of nuclear technology amount to discrimination and a violation of the Nuclear Non-Proliferation Treaty (NPT). Overall, Iran offers few morsels in this document that would help define a coherent, consistent Iranian position on these difficult nuclear issues.

A recurring theme is that no country has a right to refuse delivery of nuclear or high-tech items to Iran. If a country does so, then Iran appears to argue that it has a right to break the laws of that country or other countries to obtain the denied items, as long as it proclaims that the items

are for peaceful use only and thus to be used in conformity with the NPT. Not surprisingly the document contains numerous statements that all such denials must be banned forever and unconditionally. One would like to dismiss this type of language as the self-rationalization of an isolated regime. However, it cannot be ignored, because Iran pushes this view aggressively and wraps it in its so-called “inherent right to nuclear technology”.

Pre-negotiations: In one proposal, Iran suggests a form of pre-negotiations prior to the start of negotiations. It argues that this step is necessary to build confidence and create what it calls a “fair, balanced, reasonable and non-coercive environment” prior to the negotiations. In practice, Iran appears to want to establish ground rules for the negotiations that reflect its refusal to recognize any Security Council resolution condemning its nuclear activities, frustration with the possibility of open-ended negotiations, and a desire to keep operating and possibly expanding its uranium enrichment program during pre-negotiations. Needless to say, this suggestion has aroused suspicion among officials in the European Union and the United States that it is a ploy to split the international community while Iran continues with its enrichment program. On the other hand, Iran may need such a “pre-negotiation” to assuage domestic critics of any negotiation effort and determine what the Europeans and Americans are prepared to offer and how firm is their opposition to any uranium enrichment activities in the future.

The IAEA is misunderstood: Iran reserves considerable language promoting the value of the IAEA, deploring its activities in Iran, and proposing a considerable number of constraints on future IAEA inspections. Iran also appears to link progress on outstanding inspection issues with a range of broader nuclear issues. Such an approach has been pursued during negotiations between North Korea and the United States over nuclear issues and cannot be rejected out of hand.

Iran makes a useful proposal that it is willing to “guarantee in an appropriate manner, that it would not abandon its membership in IAEA and NPT.” However, it would do so only after it receives satisfaction on a list of conditions, many of which would be hard to achieve, such as a commitment to get Israel to give up its nuclear weapons. Other necessary commitments by the P5 plus Germany sound appealing, such as convincing all other countries in the region to implement the Additional Protocol and committing not to engage in any kind of military aggression or threat against Iran.

Conclusion: Playing for Time or Building on the Reply?

Iran is an adroit, skilled practitioner of diplomacy. If the purpose of this response was to muddy the water, buy additional time for its delayed pilot-scale uranium enrichment program at Natanz, while giving China and Russia some ammunition for delaying discussion of sanctions at the Security Council, Iran may have succeeded. The document in some ways recalls a Rorschach test from which any country can find and take what it seeks, if it tries hard enough.

However, EU diplomats would be wise to interpret the document in a favorable manner and not reject it out-of-hand, while insisting on a full suspension of Iran’s uranium enrichment program, even if for a limited time as a condition for launching formal negotiations. At this time, offers to allow Iran to continue with its uranium enrichment activities during the formal negotiations

remain counter-productive. Despite the difficulties, the EU and United States have an obligation to try to find a successful strategy to re-establish negotiations with Iran and re-institute robust IAEA inspections in Iran. The Iranian document, while not particularly helpful, does not preclude achieving both of these goals in the short term.